

# Connecticut General Assembly

## OFFICE OF FISCAL ANALYSIS

PHONE: (860) 240-0200  
FAX: (860) 240-0052  
E-MAIL: ofa@cga.ct.gov



LEGISLATIVE OFFICE BUILDING  
Room 5200  
Hartford, CT 06106-1591

2010OFA-0133

March 10, 2010

TO: Rep. Michael Lawlor

FROM: Stephen Hunt

SUBJECT: Fiscal Estimate of Implementing Recommendations of the  
Commission on the Death Penalty

You asked how much it would cost to implement the recommendations of the 2003 Commission on the Death Penalty.

Raised HB 5445, AAC the Death Penalty, adopts numerous recommendations of the Connecticut Commission on the Death Penalty that were submitted to the General Assembly back in 2003. The associated costs for HB 5445 are in Sections 6 & 7, which require both the Office of the Chief Public Defender and the Office of the Chief State's Attorney to establish annual training programs for public defenders/prosecutors who represent defendants/the state charged with the commission of a crime punishable by death. This would result in annual cost of \$50,000 to each agency, or a total annual cost to the state of \$100,000.

### Background on Connecticut Commission on the Death Penalty

HB 6612, AA Adopting the Recommendation of the Connecticut Commission on the Death Penalty, was raised during the 2003 Legislative Session. It contained language that sought to adopt numerous recommendations made the Commission on the Death Penalty's study titled "Study Pursuant to Public Act

No. 01-151 of the Imposition of the Death Penalty in Connecticut", which was submitted to the General Assembly on January 8, 2003.

Specifically, the Commission's report included the following recommendations<sup>1</sup>:

1. Reduces, from four to three, the number of members of the Board of Pardons who must agree to commute a death sentence to life imprisonment without the possibility of release;
2. Requires the chief public defender, chief state's attorney, and chief court administrator (or their designees) to collect information about all homicide cases that could be charged and prosecuted as capital felonies;
3. Requires a state's attorney to consult with the chief state's attorney and the other state's attorneys at a monthly meeting of the Division of Criminal Justice Advisory Board before deciding whether to seek a death sentence in a penalty hearing on a defendant charged with a capital felony;
4. Requires the Office of the Chief Public Defender and the Office of the Chief State's Attorney to each establish annual training programs for public defenders and special assistant public defenders who represent defendants and prosecutors who represent the state, respectively, in cases with capital felony charges;
5. Requires, by January 1, 2005, the Office of the Chief State's Attorney to consult with the Police Officer Standards and Training Council and the Connecticut Police Chiefs Association to adopt guidelines for a best practices for eyewitness identification procedures with the use of photographic and live lineups, and the bill provides examples of such practices;
6. Requires a prosecutor in a capital felony prosecution to timely disclose, to the defendant and court before the trial starts, his intent to introduce evidence of the defendant's incriminating statements to an informant who was incarcerated or otherwise detained at the same time as the defendant (unless the defendant waives it, the bill requires the court to hold a hearing to decide whether the testimony is reliable); and
7. Requires the victim impact statement prepared by a victim advocate and placed in court files to be read during the sentencing hearing held after conviction to decide whether to impose the death penalty or life imprisonment without the possibility of release (under current law the statement can be read in court before imposing a sentence on a defendant convicted of a capital felony).

---

<sup>1</sup> The summary of recommendations was developed from the OLR Bill Analysis for HB 6612.